

From: Dave Ruff
To: Microsoft ATR
Date: 1/24/02 1:02pm
Subject: Microsoft Settlement

I submit the following Tunney Act Comment regarding the Proposed Microsoft Settlement

I feel that the Proposed Final Judgment does not place effective restrictions on Microsoft in many areas where it has exercised anti-competitive actions--

Some specific examples

The Proposed Final Judgment does not place restrictions on how Microsoft can license products to large users (corporations, universities, government). Although per-processor licenses are prohibited by the 1994 consent decree, the enterprise licenses often charge a fee for each computer which could run a Microsoft Operating system, independent of whether any Microsoft software is installed on the computer. This removes any financial incentive for individuals to run non-Microsoft software -- making the licensing agreements anti competitive.

Microsoft uses licensing terms which are hostile to Windows-compatible competing operating systems (i.e. the NewsAlert) download available from MSNBC. Similar Licensing conditions could be specified which are Microsoft product neutral yet provide similar or better software product protection.

I feel that Microsoft is an aggressive company, engaging in practices which grant no quarter to competitors. If a strong settlement is not generated and enforced, then there will be no observable reduction to its anti-competitive activities.